

**Rep. Katie Porter (CA-45)'s Prepared Remarks on Section 888**  
**September 30, 2021**

Let me start with a few facts.

One: the Leahy Law prohibits the United States from giving military assistance to foreign security forces that commit gross violations of human rights.

Two: the State Department determines whether there have been gross violations of human rights, based in part on information from the Department of Defense.

Three: That process is only as good as the information coming in. Without that information, we don't cut off funding, and taxpayer dollars can go to foreign military units that commit rape, murder, torture, and other gross violations of human rights.

When our service members have this kind of information, they have an obligation to report it to their chain of command, but that's not technically true for Defense Department contractors. That's a problem.

Contractors are a huge part of our military presence around the world. They make up more than half of DOD personnel in Iraq. At the end of the war in Afghanistan, they outnumbered U.S. troops 17-1. And, there have been repeated allegations of contractors who failed to report gross violations of human rights, from sexual abuse of young boys in Afghanistan, to the torture of prisoners in Yemen.

In December 2019, Congress required the Pentagon to update the relevant policies and regulations. Section 888 of that year's defense bill required specific guidance to Defense contractors on reporting gross violations of human rights.

Section 888 said to the Pentagon, very simply: put this duty to report human rights violations in your contracts. Include rules about reporting gross human rights violations and put them right next to the rules for accounting, for purchasing equipment, and for subcontracting.

How has this been working? Not at all. And, why is that? Because the Department of Defense has apparently decided it's better to see no evil and hear no evil when Defense contractors witness gross violations of human rights.

The requirements in Section 888 are currently 469 days overdue. 204 days ago my colleagues wrote to the Pentagon asking for an update. 97 days ago the Pentagon sent a response that is best described with language prohibited on the floor of the House.

The Pentagon's response provided no updates on time, no procedures for reporting gross violations of human rights, and provided none of the other information required under the law Congress passed.



This is completely unacceptable, and it suggests that neither human rights, nor Congressional oversight, are priorities for the Department of Defense. I urge Secretary Austin and General Milley to find out what is going on with Section 888 of the Fiscal Year 2020 NDAA and fix whatever problems within their departments have led to this unacceptable delay.

This week, Secretary Austin and General Milley testified under oath that we are going to learn the lessons of the war in Afghanistan. The need for strong, clear, procedures for contractors to report gross violations of human rights is one of those lessons. It should be an easy one to learn. I yield back.